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EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,909

Applicant(s)

MIDDELJANS, JAKOBUS

Examiner

Kyung H. Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responding to application papers **filed 2/7/2002**.
2. Claims **1 - 14** are pending. Claim **6** has been amended. Claims **11 - 14** are new. Independent claims are **1, 8**.

Response to Arguments

3. Applicant's **arguments filed 8/10/2005** have been fully considered but they are not persuasive.

Response to Remarks

- 3.1 Applicant argues that the referenced prior art does not disclose: “ ... *makes available an aggregated profile to something that could reasonably be considered as an aggregator for use as something that could reasonably be considered as a segment profile ...* ” (see Remarks Page 6, Lines 10-12) ; “ ... *how a hub or spoke ... make available the aggregated profile available to Web Server for use as the segment profile ...* ” (see Remarks Page 6, Lines 24-26) ; “ ... *making the aggregated profile available to a Web Server (the aggregator) for use as a segment profile ...* ” (see Remarks Page 7, Lines 2-4) ; “ ... *make an aggregated profile available to something that could reasonably be considered as a segment profile ...* ” (see Remarks Page 7, Lines 11-13) ; “ ... *make available to the Web Server 102 the aggregated profile for use as something that could reasonably be considered as a segment profile ...* ” (see Remarks Page 7, Lines 26-28)

The Liu (6,839,680) prior art discloses an aggregator (see Liu col. 18, lines 50-53; col. 18, lines 60-65; col. 20, lines 54-60: hub system (i.e. aggregator) utilized to aggregate user profile information into an aggregated profile) and enabling an aggregated profile information to be made available to a web server (see Liu col. 21, lines 16-18; col. 30, lines 39-43; col. 40, lines 44-60: enable sharing of aggregated profile information to web servers) The profile manager processes requests for aggregated user profiles and makes aggregated user profiles available from the hub system.

- 3.2 Applicant argues that the referenced prior art does not disclose: “ ... *web server ... that make the profiles available to the hub ...* ” (see Remarks Page 6, Lines 16-17)

The Liu (6,839,680) prior art discloses the capability to make user profiles available to a centralized hub for aggregation. (see Liu col. 18, lines 50-53; col. 18, lines 60-65:) A centralized system (i.e. hub) to enable the aggregation of user profile information and the storage of aggregated user profiles within a database.

- 3.3 Applicant argues that the referenced prior art does not disclose: “ ... *subject matter for metadata related to the content being embedded into the content by means of a watermark ...* ” (see Remarks Page 8, Lines 9-10)

The Liu (6,839,680) prior art in view of Davis (6,611,607) prior art combination discloses the utilization of a watermark containing metadata (i.e. information related to content) embedded within the content. (see Davis col.

2, lines 32-38; col. 2, lines 45-51; col. 5, lines 42-46; col. 6, lines 30-32:

metadata (i.e. content related information) stored on same storage media as content (i.e. embedded) utilizing a watermark, embedded metadata)

- 3.4 Applicant argues that the referenced prior art does not disclose: “ ... *profiling center ... to aggregate rights management for inclusion in a rights profile and to additionally aggregate a financial profile from a financial clearinghouse ...* ” (see Remarks Page 8, Lines 23-25)

The Liu (6,839,680) prior art discloses the usage of user profile type information. (see Liu col. 24, lines 38-40; col. 41, lines 4-10: user profile information collected and processed) The Liu (6,839,680) prior art in view of Van Wie (6,240,185) prior art combination discloses rights management information included within rights profile information (see Van Wie col. 3, lines 41-46; col. 14, lines 10-14; col. 22, lines 27-36: digital rights management information utilized) and a financial profile from a financial clearinghouse (see Van Wie col. 12, lines 4-5; col. 12, lines 17-21: utilizing a financial clearinghouse for financial information)

- 3.5 Applicant argues that the secondary reference (6,611,607) and the primary reference (6,839,680) combination under 35 U.S.C. § 103 is not allowed due to nonobviousness. (see Remarks Page 8, Lines 10-12)

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of

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the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Furthermore, in response to applicant's arguments against the reference individually, one cannot show nonobviousness by attacking references individually where rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection of claims 1-10 is proper and maintained herein.

Claim Rejection - 35 USC § 102

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1, 3, 6, 7, 8, 11, 13, 14** are rejected under 35 U.S.C. 102(e) as being anticipated by **Liu et al.** (US Patent No. **6,839,680**).

Regarding Claim 1, Liu discloses an arrangement (100) for distributing content (200), comprising an aggregator (101) arranged for bundling the content (200) according to a segment profile (209) and distributing the content (200) to a receiving device (120),

a) the receiving device (120) comprising user profile maintenance means (210) for maintaining a user profile (211) (see Liu col. 6, lines 11-17; col. 24, lines 38-40; col. 41, lines 4-10: user profiles generated and maintained), and profile

transmitting means (212) for transmitting the user profile (211) to a profiling center (220), (see Liu col. 14, lines 53-59: user profile transmitted to a hub (i.e. profiling center) system)

- b) the profiling center (220) being arranged for aggregating user profiles (211) received from plural receiving devices (120) into an aggregated profile (221) (see Liu col. 6, lines 19-23; col. 18, lines 50-53: transmit user profiles from multiple web sites (i.e. receiving devices) for aggregation), and for making the aggregated profile (221) available to the aggregator (101) for use as the segment profile (209). (see Liu col. 15, lines 42-48; col. 18, lines 20-25: user profile information divided into categories (i.e. segments) based on user preferences)

Regarding Claim 3, Liu discloses a profiling center (220) for use in the arrangement (100) of claim 1, being arranged for aggregating user profiles (211) received from plural receiving devices (120) into an aggregated profile (221), and for making the aggregated profile (221) available to an aggregator (101) for use as a segment profile (209). (see Liu col. 4, lines 27-35 col. 15, lines 42-48; col. 18, lines 20-25: user profile information hub (i.e. center), user profile information categorized (i.e. divided into segments) and user profiles available for processing)

Regarding Claim 6, Liu discloses a receiving device (120) for use in the arrangement (100) of claim 1, comprising user profile maintenance means (210) for maintaining a user profile (211), and profile transmitting means (212) for transmitting the user profile (211) to a profiling center (220). (see Liu col. 6, lines 11-17; col. 24, lines 38-40; col. 41,

lines 4-10: user profiles transmitted to hub (i.e. profile center) system)

Regarding Claim 7, Liu discloses the receiving device (120) as claimed in claim 6, wherein the profile transmitting means (212) are arranged for transmitting only a portion of the user profile (211) which has been modified since a previous transmission of the user profile (211). (see Liu col. 4, lines 27-35: user profile update information transmitted and processed)

Regarding Claim 8, Liu discloses a method of profiling consumer behavior (see Liu col. 1, lines 6-9: consumer behavior used as the basis for user profile development), comprising receiving user profiles (211) from plural receiving devices (120) (see Liu col. 6, lines 19-23: user profile information from multiple website (i.e. receiving devices)), aggregating said received user profiles (211) into an aggregated profile (221) (see Liu col. 4, lines 27-35: generation of combined (i.e. aggregated) user profiles), and making the aggregated profile (221) available to an aggregator (101) for use as a segment profile (209). (see Liu col. 15, lines 42-48; col. 18, lines 20-25: user profile information divided into categories (i.e. segments) based on user preferences)

Regarding Claim 11, Liu disclose the method of claim 8 wherein the making the aggregated filed available further comprises distributing content bundled according to the segment profile. (see Liu col. 15, lines 42-48; col. 18, lines 20-25; col. 40, lines 44-60: distribute content based on category, group (i.e. segment) user profile information,

transfer user profile information based on groups (i.e. categories, segments))

Regarding Claim 13, Liu discloses the method of claim 8 wherein receiving further comprises maintaining user profiles and transmitting user profiles to a profiling center. (see Liu col. 18, lines 50-53; col. 18, lines 60-65; col. 20, lines 54-60: user profile information transferred to a profiling center, generate aggregated user profiles)

Regarding Claim 14, Liu discloses the method of claim 13 wherein making the aggregated profile available further comprises arranging the profiling center for aggregating user profiles received from plural receiving devices into the aggregated profile. (see Liu col. 18, lines 50-53; col. 18, lines 60-65; col. 20, lines 54-60: profile information from multiple users transferred to a centralized profiling system, generate aggregated user profiles)

Claim Rejection - 35 USC § 103

5. **Claim 2, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claims 1, 8 above, and further in view of **Davis et al.** (US Patent No. **6,611,607**).

Regarding Claim 2, Liu discloses the usage of metadata in a content distribution system. (see Liu col. 51, lines 31-34: content metadata utilized) Liu does not disclose

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the usage of watermark technology. However, **Davis** discloses the arrangement (100) as claimed in claim 1, wherein metadata (201) related to the content (200) is embedded into the content (200) by means of a watermark. (see Davis col. 2, lines 32-38; col. 2, lines 45-51: metadata usage techniques within a content delivery system, integration of watermark + metadata + content for content protection)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to utilize watermark technology for the protection of content data as taught by Davis. One of ordinary skill in the art would be motivated to employ Davis in order to control access to content data in a network environment. (see Davis col. 2, lines 4-7: “ ... *method for copy control of multimedia content where a watermark ... used to control processing of the multimedia content ...* ”)

Regarding Claim 12, Davis discloses the method of claim 11 wherein metadata related to the content is embedded into the content by means of a watermark. (see Davis col. 2, lines 32-38; col. 2, lines 45-51; col. 5, lines 42-46; col. 6, lines 30-32: watermark usage, embedded metadata usage techniques within watermark, integration of watermark + metadata + content for content protection)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to utilize watermark technology for the protection of content data as taught by Davis. One of ordinary skill in the art would be motivated to employ Davis in order to control access to content data in a network environment. (see Davis col. 2, lines 4-7)

6. **Claims 4, 5, 9, 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu as applied to claims 1, 8 above, and further in view of **Van Wie et al.** (US Patent No. **6,240,185**).

Regarding Claims 4, 9, Liu discloses the profiling center (220) being further arranged to additionally aggregate a profile (231) into the aggregated profile (221). (see Liu col. 18, lines 50-53; col. 4, lines 27-35: hub (i.e. profile center) system for storage and combining (i.e. aggregate) user profile information) Liu does not disclose rights management for inclusion in a rights profile. However, Van Wie discloses as claimed in claims 3, 8, a rights profile (231) received from a rights clearinghouse (230). (see Van Wie col. 3, lines 41-46; col. 22, lines 27-36: content delivery system with integrated rights management, access with rights clearinghouse)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to enable the capability to process rights management information for content as taught by Van Wie. One of ordinary skill in the art would be motivated to employ Van Wie in order to securely protect and manage content within a network environment. (see Van Wie col. 2, lines 57-60: "... *Solving this problem generally requires a way to securely associate rights management information with the content being protected ...*")

Regarding Claims 5, 10, Liu discloses the profiling center (220) being further arranged

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to process a profile into the aggregated profile (221). (see Liu col. 4, lines 27-35: profile center to combine (i.e. aggregate) user profile information) Liu does not disclose a financial profile from a financial clearinghouse. However, Van Wie discloses as claimed in claims 3, 8 being further arranged to aggregate a financial profile (241) received from a financial clearinghouse (240) into the aggregated profile (221). (see Van Wie col. 12, lines 4-5; col. 12, lines 17-21: access clearinghouse for financial information)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to enable the capability of accessing a financial clearinghouse to process rights management information as taught by Van Wie. One of ordinary skill in the art would be motivated to employ Van Wie in order to securely protect and manage content within a network environment. (see Van Wie col. 2, lines 57-60)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS

Kyung H Shin
Patent Examiner
Art Unit 2143

KHS

October 22, 2005



EXAMINER